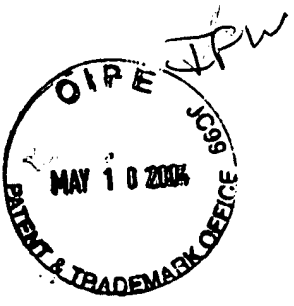


2877



JAMES D. WELCH  
ATTORNEY AT LAW  
PROFESSIONAL ENGINEER

INTELLECTUAL PROPERTY  
402-391-4448

10328 PINEHURST AVE.  
OMAHA, NEBRASKA 68124

May 1, 2004

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

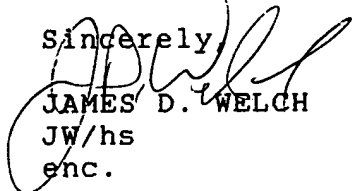
RE: APPLICATION OF JOHS ET AL. TITLED "SPECTROSCOPIC ROTATING  
COMPENSATOR ELLIPSOMETER SYSTEM WITH PSEUDO-ACHROMATIC  
RETARDER SYSTEM";  
SERIAL NO.: 10/034,800;  
FILE DATE: 12/28/2001;  
ART UNIT: 2877;  
EXAMINER: PHAM.

RESPONSE TO COMMUNICATION

Dear Sir;

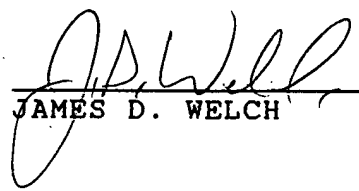
I am in receipt of a Notice dated 04/28/04 regarding the  
identified Application, stating that Page 5 of a Response to  
Office Action filed 1/14/04 was missing. Please find  
accompanying a copy of said Page 5.

Sincerely,

  
JAMES D. WELCH  
JW/hs  
enc.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH  
THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR  
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE  
INDICATED BELOW.

 5/4/04  
JAMES D. WELCH DATE

retardations bounded by (30.0) to less than (135) degrees[[.]];

the compensator provides retardance which varies by less than ninety (90) degrees (max - min) within a range bounded by thirty (30.0) to less than one-hundred-thirty-five (135) degrees, over a range of wavelengths.

5. (original): A spectroscopic ellipsometer for evaluating a sample comprising:

broadband electromagnetic radiation source means generating a beam having wavelengths extending over a range of at least 200 to 800 nm;

polarizer means disposed in the path of said beam;

compensator means disposed in the path of the beam, said compensator for inducing phase retardations in the polarization state of the light beam, said compensator means being:

pseudo-achromatic;

in that the amount of phase retardation varies more with wavelength, over a range of wavelengths, than is the case if a substantially-achromatic compensator is utilized; but in that the amount of phase retardation varies less with wavelength, over said range of wavelengths, than is the case if a substantially-non-achromatic compensator is utilized, said compensator means being rotated at an angular frequency of  $\omega$ ;

analyzer means that interact with the beam after the beam interacts with the sample and the compensator means;